

OLC 78-2134/1

30 June 1978

Pro/Leg

MEMORANDUM FOR THE RECORD

SUBJECT: 22 June 1978 Meeting on Title IV of H.R. 12240, the
"Intelligence and Intelligence-Related Program
Authorization Act for FY 79"

1. On 22 June the undersigned and [] Assistant
Legislative Counsel, met with the following individuals on the above
listed subject:

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Ron Peterson - OMB/Legislative Reference
Tracey Cole - OMB/Legislative Reference
A. Donahue - OMB
Laurence Storch - State Department
R. Dalton - State Department
Jeffrey H. Smith - State Department
Larry Simms - Justice Department/Office of Legal Counsel
Frederick Baron - Justice Department/Attorney General's Office
W. O. Cregar - FBI
[] IC Staff

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2. The meeting was called by OMB in an effort to reach a consensus
among the parties represented as to how to go forward to Chairman Bayh,
SSCI, with a views letter in opposition to Title IV of H.R. 12240.

3. Title IV of H.R. 12240 deals with the admission of aliens into
the United States who are ineligible and excludable under paragraphs
212(a)(27), (28) or (29) of the Immigration and Nationality Act
(8 U.S.C. 1182(a)). There is no comparable provision in S. 2939, the
Senate intelligence authorization bill. Title IV of the bill would
require the Attorney General to notify the Intelligence Oversight and
Judiciary Committees of the House and Senate whenever such an alien is,
in the opinion of the Attorney General, excludable but is nevertheless
admitted.

4. During the two-week period prior to the 22 June meeting, OLC
had circulated a DRAFT DCI views letter in opposition to the Title IV.
This coordination process resulted in a rift between the State and
Justice Departments surfacing with regard to the underlying legal
issues involved. It was subsequently learned that the issues involved
are both long-standing and highly-charged. Just prior to the meeting the
parties were split as follows: Justice, FBI and IC favored the DCI's

procedural and substantive approach, viz., one views letter going forward, signed by Admiral Turner in his "Community" role stating general opposition without raising substantive legal issues leaving State and Justice to work out their differences at staff level; State Department, on the other hand, would not coordinate on our DRAFT letter but rather circulated their own version which was unacceptable to the other parties in interest.

5. At the 22 June OMB-chaired meeting, the following results were reached with all parties in accord:

--it was decided that the substantive legal issue at stake between Justice and State should be left to arbitration by and before the SCC/CI through its deliberative process.

--even though State came to the meeting with a draft letter which they proposed to send as a supplement to the DCI's letter, after discussion, State agreed to support the sending of one letter forward, and that from the DCI.

--all parties support the latest draft of our letter with State reserving the right (also agreed to) to make certain modifications which will be coordinated with us and then all interested parties through OMB.

--the burden is on State to make any such modifications acceptable to all interested parties.

--the parties agreed to have one fully coordinated and concurred in views letter to Mr. Bayh before the 4 July recess.

[Redacted Signature]

Assistant Legislative Counsel

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Distribution:

STAT 1 - OGC [Redacted]
1 - OLC [Redacted]
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1 - OLC Chrono
STAT OLC [Redacted] sm (27 Jun 78)